

Filed on behalf of Party  
By:

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Paper \_\_\_\_\_

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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**HANS PETERSEN  
and  
MICHAEL HAROLD ROCK  
(Application 09/794,755)**

**Junior Party**

**v.**

**TETSUYA IKEMOTO, WEI-GUO GAO,  
and  
MASAMI IGI  
(Application 10/086,076)**

**Senior Party**

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**Patent Interference No. 105,075**

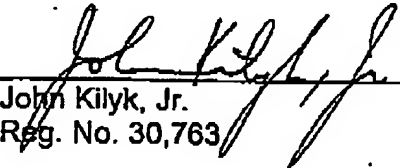
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**IKEMOTO SUBMISSION OF IDS**

In accordance with Ikemoto's duty of disclosure pursuant to 37 C.F.R. § 1.56, Ikemoto submits an Information Disclosure Statement (IDS) herewith for entry into the prosecution history of Ikemoto's U.S. Patent Application No. 10/086,076. The IDS identifies a reference that was (a) cited by the Japanese Patent Office on November 9, 2004, with respect to the prosecution of a related Japanese patent application and (b) is not already "of record" in Ikemoto's U.S. Patent Application No. 10/086,076.

Respectfully submitted,

Date: January 4, 2005

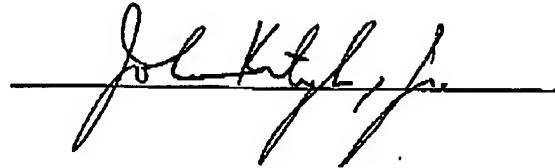
  
John Kilyk, Jr.  
Reg. No. 30,763

**CERTIFICATE OF SERVICE**

I hereby certify that this IKEMOTO SUBMISSION OF IDS has been forwarded by Federal Express on January 4, 2005, to:

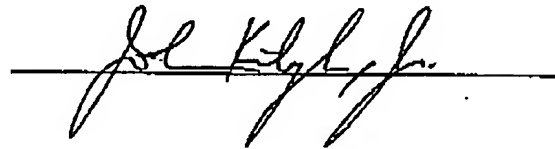
Attorney for PETERSEN:

S. Peter Ludwig, Esq.  
Robert Schaffer, Esq.  
DARBY & DARBY, P.C.  
805 Third Avenue  
New York, New York 10022

A handwritten signature in black ink, appearing to read "John K. Klyne, Jr.", is written over a horizontal line.

**CERTIFICATE OF DELIVERY**

I hereby certify that this IKEMOTO SUBMISSION OF IDS has been forwarded by Federal Express on January 4, 2005, U.S. Patent and Trademark Office, Board of Patent Appeals and Interferences, Madison Building (East), 600 Dulany Street, Alexandria, VA 22313

A handwritten signature in black ink, appearing to read "John K. Klyne, Jr.", is written over a horizontal line.



# FedEx Express Shipment Detail By Payor Type (Original)

Picked up: Jan 04, 2005

Payor: Shipper

Reference: 225287

- Fuel Surcharge - FedEx has applied a fuel surcharge of 9.00% to this shipment.
- Distance Based Pricing, Zone 4

INET

Tracking ID 792815580370  
 Service Type FedEx Standard Overnight  
 Package Type FedEx Envelope  
 Zone 4  
 Packages 1  
 Weight N/A  
 Delivered Jan 05, 2005 13:48  
 Svc Area A2  
 Signed by Y.PRATHER  
 FedEx Use 001696395/0000222/

Sender  
 Kim Mersin  
 LEYDIG, VOIT AND MAYER  
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 CHICAGO IL 60601 US

Recipient  
 APJ  
 U.S. Patent and Trademark Offi  
 Board of Patent Appeals & Inte  
 ALEXANDRIA VA 22313 US

Transportation Charge  
 Fuel Surcharge  
 Discount

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1.00

-4.33

Total Charge

USD \$

12.12

**PATENT**  
Attorney Docket No. 215851  
Client Reference No. Tak-20755-div2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ikemoto et al.

Group Art Unit: 1621

Application No. 10/086,076

Examiner: M. L. Shippen

Filed: February 28, 2002

For: PRODUCTION METHOD OF CITALOPRAM,  
INTERMEDIATE THEREFOR AND PRODUCTION  
METHOD OF THE INTERMEDIATE

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☐ within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

In re Appln. of Ikemoto et al.  
Application No. 10/086,076

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☒ after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

or

☒ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ after the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and within thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### Copies of the References

- ☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☒ Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☒ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were

In re Appln. of Ikemoto et al.  
Application No. 10/086,076

furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ☐ The undersigned hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The undersigned hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The undersigned hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☐ No fee is owed by the applicant(s).
- ☒ The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith.

In re Appln. of Ikemoto et al.  
Application No. 10/086,076

**Method of Payment of Fees**

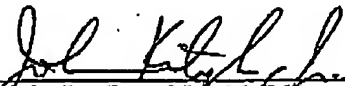
- ☐ Attached is a check in the amount of \$  
☒ Charge Deposit Account No. 12-1216 in the amount of \$180.00. (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund

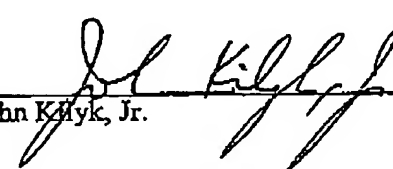
  
John Klyk, Jr., Reg. No. 30,763  
LEYBIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: January 4, 2005


**CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 4, 2005

  
John Klyk, Jr.



Please type a plus sign (+) inside this box → 

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/086,076	
			Filing Date	February 28, 2002	
			First Named Inventor	Ikemoto et al.	
			Group Art Unit	1621	
			Examiner Name	Unassigned	
			Attorney Docket Number	215851	
Sheet	1	of	1	Client Reference Number	Tak-20755-dv2

U.S. PATENT DOCUMENTS						
Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date if Appropriate
		Application or Patent Number	Kind Code			

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AX	WO	99/30548	A2	H. LUNDBECK	Jun. 24, 1999		

OTHER - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**

Examiner Signature	Date Considered
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- \* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).  
 + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).